

**House Study Bill 642 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL BY  
CHAIRPERSON CHAMBERS)

**A BILL FOR**

1 An Act relating to county commissions of veteran affairs.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35B.4, Code 2011, is amended to read as  
2 follows:

3 **35B.4 Appointment — vacancies.**

4 1. Members of the commission of veteran affairs shall  
5 be appointed by the board of supervisors, as recommended by  
6 the current commission members and the executive director  
7 or administrator, to staggered three-year terms at the  
8 regular meeting in June. However, a member shall serve until  
9 a successor has been appointed and qualifies. The board  
10 may remove an appointee at any time for neglect of duty or  
11 maladministration. A vacancy on the commission shall be filled  
12 for the unexpired portion of the regular term in the same  
13 manner as regular appointments are made.

14 2. If the board of supervisors increases the commission  
15 of veteran affairs membership to five members, the initial  
16 terms of the two new members shall be two and three years  
17 respectively. However, the new members shall serve until their  
18 successors are appointed and qualify.

19 Sec. 2. Section 35B.6, subsection 1, paragraphs a and c,  
20 Code 2011, are amended to read as follows:

21 *a.* The members of the commission shall qualify by taking the  
22 usual oath of office, ~~and give bond in the sum of five hundred~~  
23 ~~dollars each, conditioned for the faithful discharge of their~~  
24 ~~duties with sureties to be approved by the county auditor.~~ The  
25 commission shall organize by the selection of one of their  
26 members as chairperson and one as secretary. The commission,  
27 subject to the approval of the board of supervisors, shall  
28 employ an executive director or administrator and shall have  
29 the power to employ other necessary employees when needed,  
30 including administrative or clerical assistants, but no member  
31 of the commission shall be so employed. ~~The compensation of~~  
32 ~~such employees shall be fixed by the board of supervisors.~~  
33 The state department of veterans affairs shall recognize the  
34 executive director or administrator as a county veterans  
35 service officer of a local veterans' service organization

1 recognized pursuant to 38 C.F.R. 14.628(c) for the purposes  
2 of assisting veterans and their dependents in obtaining  
3 federal benefits. The commission shall recommend the annual  
4 compensation of the executive director or administrator to the  
5 board of supervisors. The board of supervisors shall consider  
6 the recommendation and shall determine and approve the annual  
7 compensation of the executive director or administrator. The  
8 executive director must possess the same qualifications as  
9 provided in section 35B.3 for commission members. However,  
10 this qualification requirement shall not apply to a person  
11 employed as an executive director prior to July 1, 1989.

12 c. Upon the employment of an executive director or  
13 administrator, the executive director or administrator shall  
14 complete a course of certification training provided by the  
15 department of veterans affairs pursuant to section 35A.5.  
16 If an executive director or administrator fails to obtain  
17 certification within one year of being employed, the executive  
18 director or administrator shall be removed from office. A  
19 ~~commissioner or other commission employee may also complete~~  
20 ~~the course of certification training.~~ The department shall  
21 issue the executive director, or administrator, ~~commissioner,~~  
22 ~~or employee~~ a certificate of training after completion of the  
23 certification training course. To maintain certification, the  
24 executive director, or administrator, ~~commissioner, or employee~~  
25 shall satisfy the continuing education requirements established  
26 by the national association of county ~~veteran~~ veterans service  
27 officers. Failure of an executive director or administrator  
28 to maintain certification shall be cause for removal from  
29 office. The expenses of training the executive director or  
30 administrator shall be paid from the appropriation authorized  
31 in section 35B.14.

32 Sec. 3. Section 35B.6, subsection 1, paragraph d, Code 2011,  
33 is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. (3) Complete and submit all forms  
35 required for federal, state, and county benefits.

1     Sec. 4. Section 35B.6, subsection 2, Code 2011, is amended  
2 to read as follows:

3     2. a. Two or more boards of supervisors may agree,  
4 pursuant to chapter 28E, to share the services of an executive  
5 director or administrator. The agreement shall provide for the  
6 establishment of a commission of veteran affairs office in each  
7 of the counties participating in the agreement.

8     b. It shall be unlawful for any county board of supervisors  
9 or any county commission of veteran affairs to place the  
10 administration of the duties of the county commission of  
11 veteran affairs under any other agency of any county, or to  
12 publish the names of the veterans or their families who receive  
13 benefits under the provisions of this chapter.

14     Sec. 5. Section 35B.6, subsection 3, Code 2011, is amended  
15 by striking the subsection.

16     Sec. 6. Section 35B.6, subsection 4, paragraph a, Code 2011,  
17 is amended to read as follows:

18     a. Each county commission of veteran affairs shall maintain  
19 an office in a public building owned, operated, or leased by  
20 the county.

21     Sec. 7. Section 35B.7, Code 2011, is amended to read as  
22 follows:

23     **35B.7 Meetings — report — budget.**

24     The commission shall meet monthly and at other times as  
25 necessary. At the monthly meeting it shall determine who are  
26 entitled to county benefits and the probable amount required to  
27 be expended. The commission shall meet annually to prepare an  
28 estimated budget for all expenditures to be made in the next  
29 fiscal year and certify the budget to the board of supervisors.  
30 The board may approve or reduce the budget for valid reasons  
31 shown and entered of record and the board's decision is final.

32     Sec. 8. Section 35B.10, Code 2011, is amended to read as  
33 follows:

34     **35B.10 Disbursements — inspection of records.**

35     1. All claims certified by the commission shall be reviewed

1 ~~by the board of supervisors and the county auditor shall~~  
2 ~~issue warrants in payment of the claims. All applications,~~  
3 ~~investigation reports, and case records are privileged~~  
4 ~~communications and shall be held confidential, subject to use~~  
5 ~~and inspection only by persons authorized by law in connection~~  
6 ~~with their official duties relating to financial audits and the~~  
7 ~~administration of this chapter or as authorized by order of~~  
8 a district court. ~~However, the county commission of veteran~~  
9 ~~affairs shall prepare and file in the office of the county~~  
10 ~~auditor on or before the thirtieth day of each January, April,~~  
11 ~~July, and October a report showing the case numbers of all~~  
12 ~~recipients receiving assistance under this chapter, together~~  
13 ~~with the amount paid to each during the preceding quarter.~~  
14 ~~Each report so filed shall be securely fixed in a record book~~  
15 ~~to be used only for such reports made under this chapter. A~~  
16 person may sign a release to authorize the examination of that  
17 person's applications, reports, or records.

18 ~~The record book shall be and the same is hereby declared~~  
19 ~~to be a public record, open to public inspection at all times~~  
20 ~~during the regular office hours of the county auditor. Each~~  
21 ~~person who desires to examine said records, other than in~~  
22 ~~pursuance of official duties as hereinbefore provided, shall~~  
23 ~~sign a written request to examine the same, which shall contain~~  
24 ~~an agreement on the part of the signer that the signer will~~  
25 ~~not utilize any information gained therefrom for commercial or~~  
26 ~~political purposes.~~

27 2. It shall be unlawful for any person, body, association,  
28 firm, corporation or any other agency to solicit, disclose,  
29 receive, make use of or to authorize, knowingly permit,  
30 participate in or acquiesce in the use of any lists, names or  
31 other information obtained from the reports above provided for,  
32 for commercial or political purposes, and a violation of this  
33 provision shall constitute a serious misdemeanor.

34 Sec. 9. Section 35B.14, Code 2011, is amended by adding the  
35 following new subsections:

1     NEW SUBSECTION. 3. The commission is responsible for  
2 the interment in a suitable cemetery of the body of any  
3 veteran, as defined in section 35.1, or the spouse, surviving  
4 spouse, or child of the person, if the person has died without  
5 leaving sufficient means to defray the funeral expenses. The  
6 commission may pay the expenses in a sum not exceeding an  
7 amount established by the board of supervisors.

8     NEW SUBSECTION. 4. Burial expenses shall be paid by the  
9 county in which the person died. If the person is a resident  
10 of a different county at the time of death, the county of  
11 residence shall reimburse the county where the person died for  
12 the cost of burial. In either case, the board of supervisors  
13 of the respective counties shall audit and pay the account from  
14 the funds provided for in this chapter in the manner as other  
15 claims are audited and paid.

16     Sec. 10. Section 35B.16, Code 2011, is amended to read as  
17 follows:

18     **35B.16 Markers for graves.**

19     The county commission of veteran affairs may furnish a  
20 suitable and appropriate ~~metal~~ marker for the grave of each  
21 veteran, as defined in section 35.1, who is buried within  
22 the limits of the county. The marker shall be placed at the  
23 individual's grave to permanently mark and designate the grave  
24 for memorial purposes. The expenses shall be paid from any  
25 funds raised as provided in this chapter.

26     Sec. 11. Section 35B.17, Code 2011, is amended to read as  
27 follows:

28     **35B.17 Maintenance of graves.**

29     1. The county boards of supervisors shall each year  
30 appropriate and pay to the owners of, or to the public board or  
31 officers having control of cemeteries within the state in which  
32 any such deceased service person is buried, a sum sufficient  
33 to pay for the care and maintenance of the lots on which they  
34 are buried in all cases in which provision for such care is  
35 not otherwise made, or may conclude their responsibility by

1 paying a mutually agreed to fee for perpetual care when the  
2 cemetery authority has established a perpetual care fund for  
3 the cemetery, to be paid either as a lump sum, or in not to  
4 exceed five installments in a manner agreed to by the parties.

5 2. Payment under subsection 1 shall be made at the rate  
6 charged for like care and maintenance of other lots of  
7 similar size in the same cemetery, upon the affidavit of the  
8 superintendent or other person in charge of such cemetery, that  
9 the same has not been otherwise paid or provided for.

10 Sec. 12. Section 35B.19, Code 2011, is amended to read as  
11 follows:

12 **35B.19 Burial records.**

13 ~~The county commission of veteran affairs~~ executive director  
14 or administrator shall be charged with securing the information  
15 requested by the department of veterans affairs of every person  
16 having a military service record and buried in ~~that~~ the county.  
17 Such information shall be secured from the undertaker in charge  
18 of the burial or cremation and shall be transmitted by the  
19 undertaker to the ~~commission of~~ county veteran affairs office  
20 of the county where burial or disposition of cremated remains  
21 is made. This information shall be recorded alphabetically and  
22 by description of location in the cemetery where the veteran is  
23 buried or the place of disposition of the cremated remains of  
24 the veteran. This recording shall conform to the directives of  
25 the department of veterans affairs and shall be kept in a book  
26 by the ~~county commission~~ executive director or administrator.

27 Sec. 13. Section 64.11, Code 2011, is amended to read as  
28 follows:

29 **64.11 Expense of bonds paid by county.**

30 If a county treasurer, county attorney, recorder, auditor,  
31 sheriff, medical examiner, ~~member of the veterans affairs~~  
32 ~~commission~~, member of the board of supervisors, engineer,  
33 steward, or matron elects to furnish a bond with an association  
34 or incorporation as surety as provided in this chapter, the  
35 reasonable cost of the bond shall be paid by the county where

1 the bond is filed.

2 Sec. 14. Section 331.381, subsection 6, Code 2011, is  
3 amended to read as follows:

4 6. Audit and pay the burial expense for indigent veterans,  
5 as provided in section ~~35B.15~~ 35B.14, subsection 4.

6 Sec. 15. Section 331.502, subsections 14 and 15, Code 2011,  
7 are amended by striking the subsections.

8 Sec. 16. Section 331.508, subsection 5, Code 2011, is  
9 amended by striking the subsection.

10 Sec. 17. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,  
11 35B.15, and 35B.18, Code 2011, are repealed.

12 EXPLANATION

13 This bill relates to the duties and responsibilities of the  
14 county commissions of veteran affairs.

15 The bill requires that the members of a county commission of  
16 veteran affairs be appointed by the board of supervisors upon  
17 the recommendation of the current members of the commission  
18 and the executive director or administrator. The bill removes  
19 a requirement that members of the commission give a bond of  
20 \$500 and makes conforming changes to Code sections 64.11 and  
21 331.502.

22 The bill requires that the state department of veterans  
23 affairs shall recognize the executive director or administrator  
24 as a county veterans service officer of a local veterans'  
25 service organization recognized by the federal secretary of  
26 veterans affairs for purposes of assisting veterans and their  
27 dependents in obtaining federal benefits. The bill requires  
28 that the annual compensation of an executive director or  
29 administrator be recommended by the county commission to the  
30 county board of supervisors which shall determine and approve  
31 the compensation. Current law requires that the county board  
32 of supervisors fix the compensation for the executive director  
33 or administrator and other necessary employees.

34 The bill strikes language allowing a county commissioner  
35 and certain commission employees to complete a course of

1 certification training provided by the department of veterans  
2 affairs.

3 The bill requires that the duties of the executive director,  
4 administrator, and employees shall include the submission of  
5 all forms required for federal, state, and county benefits.  
6 The bill also removes language requiring a commission to  
7 appoint a deputy county auditor as an administrative assistant  
8 to the commission, and requires that a commission office be  
9 located in a public building. The bill also specifies that  
10 the commission shall only need to determine eligibility of  
11 individuals for county benefits at monthly meetings of the  
12 commission and removes requirements that the commission submit  
13 certain information to the board of supervisors.

14 The bill removes certain disbursement, reporting,  
15 recording, accounting system, and filing requirements and makes  
16 certain conforming amendments to Code sections 331.502 and  
17 331.508. The bill permits the examination of an individual's  
18 applications, reports, and records only upon the individual's  
19 authorization.

20 The bill also makes certain changes to provisions related to  
21 the provision of grave markers for veterans and the filing and  
22 maintenance of certain burial records.

23 The bill repeals Code section 35B.12, relating to  
24 confidentiality of benefit information, but the substance  
25 of the Code section is transferred to Code section 35B.6,  
26 subsection 2.

27 The bill repeals Code section 35B.13, relating to burial  
28 expenses, but the substance of the Code section is transferred  
29 to Code section 35B.14, subsection 3.

30 The bill repeals Code section 35B.15, relating to audit  
31 and payment of burial expenses, but the substance of the Code  
32 section is transferred to Code section 35B.14, subsection 4.

33 The bill repeals Code section 35B.18, relating to care  
34 and maintenance of gravesites, but the substance of the Code  
35 section is transferred to Code section 35B.17, subsection 2.